IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 5412 of 1998

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

==========

1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

==========

RAHIMBHAI AMIRBHAI MALEK - Petitioner(s)
Versus
STATE OF GUJARAT & 2 - Respondent(s)

==========

Appearance :
MR SHAUKAT A SHAIKH for Petitioner(s) : 1,
MS KRINA CALLA, AGP for Respondent(s) :
MR HS MUNSHAW for Respondent(s) : 1,

==========

CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 03/08/2007

ORAL JUDGMENT

The petitioner claims higher ex-gratia compensation from the Government on account of injury/death due to communal disturbances. It is not in dispute that an amount of Rs.1 lac has already been paid by the Government on the representation of

the petitioner. The petitioner, however, claims that he is entitled to compensation of Rs.2 lacs.

2. In response to the notice issued by this Court,the State has filed reply. It is stated that the policy of the Government is to pay only Rs.1 lac compensation and higher compensation of Rs.2 lacs was prescribed as a special case for those who suffered on account of riots which took place post Ayodhya incident. The petitioner is therefore not entitled to any further compensation.

3. Primarily, it is only an ex-gratia by the State and I am extremely doubtful whether the petition would be maintainable to insist on payment of such amount. Additionally I have found that the petitioner has not produced any material to show that the Government announced higher compensation in all cases. When the Government points out that ex-gratia compensation of Rs.2 lacs was meant only for sufferers of post Ayodhya incident and admittedly when the petitioner is not covered under the said policy, no further relief can be granted. Ultimately it is a matter of policy of the Government to what extent ex-gratia compensation can be granted in such cases.

4. The petitioner has not made out any case. The petition is therefore dismissed. Rule is discharged.

(Akil Kureshi, J.)

(vjn)